



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,606	09/26/2003	Kevin J. Kessler	03124661	4054
26565	7590	05/11/2005	EXAMINER	
MAYER, BROWN, ROWE & MAW LLP 190 SOUTH LASALLE ST CHICAGO, IL 60603-3441			ILAN, RUTH	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/672,606	Applicant(s) KEESLAR ET AL.	
	Examiner Ruth Ilan	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 1, 7, and 14 include the recitation that the upper section is "folded into" the middle section and the upper section and middle section are "folded into" the lower section. This recitation is problematic, because it does not match the language in the specification, see page 5, line 11, for instance, which describes the folding process as one in which the upper section is "tucked" downward into the middle section.

Claim Objections

2. Claims 8, 13 and 14 are objected to because of the following informalities: In claim 8, line 1 "and" should be "at". Claim 13 includes two sentences, and appears to have two sets of limitations. For the purposes of examination, it will be assumed that the second sentence is not intended to be included, since this limitation is already provided in claim 12. Regarding claim 14, in line 2, after "for", "an" should be inserted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

Art Unit: 3616

regards as the invention. Regarding claims 1, 7, and 14, the scope of the term "folded into" is unclear, because in the specification the limitation is described as "tucked" and it is not clear if tucking is a species of folding, or what is intended by the term "folded". For claims 3, 4, 6, 10, 11, 13, and 16, these claims recite various aspects of air bag inflation relative to a user. These claims are unclear because they include limitations that are drawn to a relative location that is variable. A claim may be rendered indefinite by reference to an object that is variable. For example, the Board has held that a limitation in a claim to a bicycle that recited "said front and rear wheels so spaced as to give a wheelbase that is between 58 percent and 75 percent of the height of the rider that the bicycle was designed for" was indefinite because the relationship of parts was not based on any known standard for sizing a bicycle to a rider, but on a rider of unspecified build. *Ex parte Brummer*, 12 USPQ2d 1653 (Bd. Pat. App. & Inter. 1989).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

5. Claims 7, 8, 10-14 and 16 rejected under 35 U.S.C. 102(b) as being anticipated by Rouiller et al. (GB 2 368 050 A.) Rouiller et al. teaches a lap belt including a housing (36) and an inflatable bag (26) that has an upper, middle, and lower section, and the upper section is folded into the middle section and the both are folded into the lower section (see Figures 6-8.) The lap belt is folded into the housing and attached to the belt (see page 11, last paragraph- page 12, first paragraph.) Also taught is a tubing (29) connected at one end to an air source and at another end to the lower section of the air

Art Unit: 3616

bag (see Figure 4 and page 10, second paragraph.) Regarding claims 10 and 11, as broadly recited and as seen in Figures 20-22, the bag inflates around a user's arm and to the front side of a user's head. The side of the bag coming up from the anchor and the front of the bag serve to protect from a side and forward component, respectively. Regarding claim 14, the air bag is situated to inflate between the user and the front seat, and as such inflates toward the expected direction of impact, since inherently, if the air bag were not there, one would expect impact between the user and the front seat. Regarding claim 13, the elongated bottom section of the bag and the front of the user form an angle of 45°.

6. Claims 7, 8, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis et al. (US 6,378,898 B1.) Lewis et al. teaches a lap belt including a housing (52, see Figure 9) and an inflatable bag (30) that has an upper, middle, and lower section, and the upper section is folded into the middle section and the both are folded into the lower section (see Figure 9, the upper portion is rolled into the middle portion 38, and both are surrounded at least on one side by the bottom portion 40.) The lap belt is folded into the housing and attached to the belt (47) Also taught is a tubing (36) connected at one end to an air source (59) and at another end to the lower section of the air bag (see Figure 8 and 9) Regarding claim 14, the air bag is situated to inflate between the user and the front of the vehicle, and as such inflates toward the expected direction of impact, since inherently, most collisions occur in a frontwards direction, and anyone in a seat can be expected to hit something in front of themselves.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 8, 9, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US 5,871,230) in view of Lewis et al. (US 6,378,898 B1.) Lewis teaches an approximately C-shaped lap belt air bag (see Figure 24) but does not disclose the manner in which it is folded. As discussed above, Lewis et al. teaches folding such an air bag in the claimed manner, and further teaches that such a folding technique is useful to tailor the expansion sequence of the lap belt (see col. 6, lines 44-67.) It would have been obvious to one having ordinary skill in the art at the time of the invention to fold the lap belt of Lewis in the manner as taught by Lewis et al., in order to tailor the air bag to have the lap portion open first, as taught by Lewis et al.

Allowable Subject Matter

9. Claims 1-6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

10. The following is a statement of reasons for the indication of allowable subject matter: The combination of the folding and the inflation sequence, including the upper section inflates last towards the inflation source, was not reasonably found in the prior art in a lap belt air bag.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamaguchi, Akaha et al., Plaksin and Grandi teach seat belt air bags of interest.

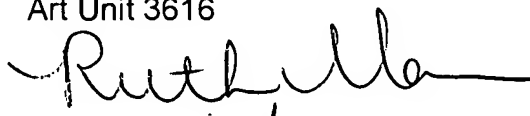
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RI
5/9/05

Ruth Ilan
Primary Examiner
Art Unit 3616


5/9/05